

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
COURT FILE NO.: _____**

Michael Cherian,

Plaintiff,

v.

River Collection & Recovery Service,
Inc.,

Defendant,

COMPLAINT

JURY TRIAL DEMANDED

JURISDICTION

1. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and pursuant to 15 U.S.C. § 1692k(d).
2. This action arises out of Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA") by this Defendant and its agents in their illegal efforts to collect a consumer debt from Plaintiff.
3. Venue is proper in this District because the acts and transactions occurred here, Plaintiff resides here, and Defendant transacts business here.

PARTIES

4. Plaintiff Michael Cherian is a natural person who resides in the City of Minnetonka, County of Hennepin, State of Minnesota, and is a "consumer" as that term is defined by 15 U.S.C. § 1692a(3).

5. Defendant River Collection & Recovery Service, Inc., (hereinafter “Defendant RCR”) is a collection agency operating from an address of 19230 Evans St NW Ste 111 Elk River, MN 55330, and is a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6).

FACTUAL ALLEGATIONS

6. On or around 2007, Plaintiff allegedly incurred a financial obligation that was primarily for personal, family or household purposes and is therefore a “debt” as that term is defined by 15 U.S.C. § 1692a(5), namely, an apartment lease debt in the approximate amount of \$1,793.75, which was used by Plaintiff for personal, family and household purposes.
7. Sometime thereafter, the debt was consigned, placed or otherwise transferred to Defendant RCR for collection from Plaintiff.

Failure to Correct Credit Reports

8. On or about October 21, 2009, Defendant RCR, reported credit information regarding this alleged debt of Plaintiff to Equifax/CSC credit reporting agency, which was a “communication” in an attempt to collect a debt as that term is defined by 15 U.S.C. § 1692a(2).
9. The credit information reported about Plaintiff by Defendant RCR to Equifax/CSC was false in that it failed to note that the Plaintiff disputed this

account, when in fact it had been repeatedly disputed by Plaintiff with Defendant RCR.

10. The credit information reported about Plaintiff by Defendant RCR to Equifax/CSC was also false in that it indicated that this account had been paid in full by the Plaintiff, when in fact it had not, thus implying that Plaintiff admitted to owing this account when he did not.
11. These affirmative misrepresentations by Defendant RCR on Plaintiff's consumer credit reports were false and deceptive communications in connection with the collection of this debt, made in violation of numerous and multiple provisions of the FDCPA, including but not limited to 15 U.S.C. § 1692e, 1692e(2), 1692e(5), 1692e(8), 1692e(10), and 1692f, amongst others.

TRIAL BY JURY

12. Plaintiff is entitled to and hereby respectfully demands a trial by jury on all issues so triable. US Const. amend. 7. Fed.R.Civ.P. 38.

CAUSES OF ACTION

COUNT I.

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692 et seq.

13. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

14. The foregoing acts and omissions of Defendant RCR and its agents constitute numerous and multiple violations of the FDCPA including, but not limited to, each and every one of the above-cited provisions of the FDCPA, 15 U.S.C. § 1692 et seq., with respect to Plaintiff.
15. As a result of Defendant RCR's violations of the FDCPA, Plaintiff is entitled to actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in an amount up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3), from Defendant RCR.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendant RCR:

COUNT I.

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692 et seq.

- for an award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1) against Defendant RCR and for Plaintiff;
- for an award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A) against Defendant RCR and for Plaintiff;

- for an award of costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3) against Defendant RCR and for Plaintiff; and
- for such other and further relief as may be just and proper.

Respectfully submitted,

Dated: June 25, 2010

BARRY & SLADE, LLC

By: **s/Peter F. Barry**

Peter F. Barry, Esq.

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